

Message

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**From:** Rogers, Rick [rogers.rick@epa.gov]  
**Sent:** 7/13/2020 12:47:02 PM  
**To:** Pratt, Stacie [Pratt.Stacie@epa.gov]  
**Subject:** RE: USEPA Call

Karen will contact Andrea Bain to set up a meeting with Jen to be held prior to the July 23<sup>rd</sup> meeting with CRW.

Can you set up a call with Steve so he can try to explain it to us so we can help craft a response. I'd like to provide a written response to Karen prior to this meeting with Jen which may happen this week.

Thanks

Rick Rogers, Chief  
Water Branch (3ED30)  
Enforcement and Compliance Assurance Division  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
rogers.rick@epa.gov  
Office: 215.814.5711  
Cell: 215.341.4762

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**From:** Pratt, Stacie <Pratt.Stacie@epa.gov>  
**Sent:** Friday, July 10, 2020 9:45 AM  
**To:** Rogers, Rick <rogers.rick@epa.gov>  
**Subject:** Fwd: USEPA Call

FYI..don't understand any of this..Im thinking we will need a meeting with Steve to better understand.

Sent from my iPhone

Begin forwarded message:

**From:** "Maslowski, Steven" <Maslowski.Steven@epa.gov>  
**Date:** July 10, 2020 at 9:41:47 AM EDT  
**To:** "Pratt, Stacie" <Pratt.Stacie@epa.gov>  
**Cc:** "Lazos, Pamela" <Lazos.Pamela@epa.gov>  
**Subject:** RE: USEPA Call

EPA did say that "LoC within the CBH<sub>2</sub>OPP for not providing a consistent percent capture or activation frequency across the individual CSOs." Because CRW's LTCP is allowing too many frequent overflows at some outfalls to even approach meeting WQS for bacteria. Scranton had a plan that met 85% capture, but had 34 overflow events a year, that is far too many overflows to be an acceptable and they had to change its approach. We have said the same thing to other POTWs like DC Water, Lancaster, Elkins, Welch.

Steve Maslowski  
NPDES Section  
EPA Region III  
215-814-2371

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**From:** Pratt, Stacie <[Pratt.Stacie@epa.gov](mailto:Pratt.Stacie@epa.gov)>  
**Sent:** Friday, July 10, 2020 7:40 AM  
**To:** Maslowski, Steven <[Maslowski.Steven@epa.gov](mailto:Maslowski.Steven@epa.gov)>  
**Subject:** Fwd: USEPA Call

See attached. No reason to reach out to crw  
Sent from my iPhone

Begin forwarded message:

**From:** "Fields, Jenifer" <[fields.jenifer@epa.gov](mailto:fields.jenifer@epa.gov)>  
**Date:** July 10, 2020 at 6:31:11 AM EDT  
**To:** "Melvin, Karen" <[Melvin.Karen@epa.gov](mailto:Melvin.Karen@epa.gov)>, "Armstrong, Joan" <[Armstrong.Joan@epa.gov](mailto:Armstrong.Joan@epa.gov)>, "Rogers, Rick" <[rogers.rick@epa.gov](mailto:rogers.rick@epa.gov)>, "Pratt, Stacie" <[Pratt.Stacie@epa.gov](mailto:Pratt.Stacie@epa.gov)>  
**Subject:** FW: USEPA Call

I reached out to CRW to see how what they interpreted to mean 85% capture at each overflow. See below. Please schedule some time for discussion before our next meeting with them. We will need a concise response.

Thanks,  
Jen

Jenifer Fields, Chief of Staff  
EPA Region 3 (3RA00)  
1650 Arch St  
Philadelphia, PA 19103  
Phone (215) 814-3165  
Fax (215) 814-2901

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**From:** Charlotte Katzenmoyer <[Charlotte.Katzenmoyer@capitalregionwater.com](mailto:Charlotte.Katzenmoyer@capitalregionwater.com)>  
**Sent:** Tuesday, July 7, 2020 4:29 PM  
**To:** Fields, Jenifer <[fields.jenifer@epa.gov](mailto:fields.jenifer@epa.gov)>  
**Subject:** FW: USEPA Call

Jenifer,  
Here is our answer to your question posed to me on our phone call earlier this morning.

The requirement was contained within the July 6, 2018 comment letter from EPA, specifically within comments 26c and 26d (see attached), and in statements made by EPA consultants.

In Comment 26c, EPA criticized the Baseline LoC within the CBH<sub>2</sub>OPP for not providing a consistent percent capture or activation frequency across the individual CSOs within a given Planning Area. The comment went on to list the CSO activation frequency of the individual regulator structure with the lowest LoC within each Planning Area. The comment went on to say that, *"However, an average activation frequency is not a useful metric. The activation rate for a waterbody or a portion of a waterbody is the number of times one or more CSOs activate."*

In Comment 26d, EPA further emphasized the point. For individual planning areas where the Baseline LoC achieved an **average** of 85% capture, the CBH2OPP made it a low priority to provide additional control projects and increase the capture even farther. EPA responded as follows: *"This is inappropriate given bacteria as a pollutant of concern in both direct receiving waters and the 1994 CSO Control Policy requires the presumption be reasonable that 85% capture will result in meeting the water quality-based requirements of the CWA"*.

In initial face to face meetings, EPA technical consultant Mark Klingenstein emphasized that the effective LoC for a plan or alternative should be based upon the worst performing outfall and not the average CSO statistics over a planning area.

That is why we calculated 85% capture at each regulator structure/CSO outfall.

I hope this clarifies this matter. Enjoy your evening.

**Charlotte Katzenmoyer** | Chief Executive Officer  
888-510-0606 | 717-216-5308 (o)



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